IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.11808 of 2006

Between:

Bhamidipati Malleswara Rao and others.

..... PETITIONERS

AND

1.The Government of Andhra Pradesh,
Finance (PC.1) Dept.,
Rep. by the Secretary to govt. (F.P.)
Secretariat, Hyderabad, and others.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.11808 of 2006

Order: ***(Per Hon'ble Sri Justice Bilal Nazki)***

The grievance of the writ petitioners in this writ petition is covered by a judgment of this Court in W.P.No.8628 of 2005, dated 22-07-2005.

There was a G.O., by which advance increments were paid to certain categories of employees, who acquired higher qualifications. But, this practice was given a go-by, after the revision of pay scales in 1999, and the Government passed another G.O. withdrawing these benefits, and consequently, issued Memo No.1943/32/A1/P.C.I/2006, dated 03-03-2006, clarifying that the sanction of advance increments for additional qualifications with effect from
01-07-1998 does not arise. Therefore, in our view, the writ petitioners were not entitled to any additional increments or advance increments with effect from 01-07-1998. The Writ Petition has no merit and is liable to be dismissed.

At this stage, it is submitted by learned Counsel for the writ petitioners that the writ petitioners themselves are not Drawing and Disbursing officers, they never enquired whether they were entitled to such benefit or not, they got increments of Rs.100/- to Rs.250/- by the orders of their superior authorities, and after drawing these benefits for some time, it will be very harsh on these poor employees to reimburse the amount already withdrawn.

In view of the same, we feel that it will not be just and proper to insist for recovery of the amounts, which were already paid to the writ petitioners.

Therefore, while dismissing the Writ Petition, we direct that the amounts already paid by way of advance increments shall not be recovered from the writ petitioners. No costs.

(Bilal Nazki, J)

8th November, 2006

(Nooty Ramamohana Rao, J)

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